

**OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS EASTERN DISTRICT**  
**DIVISION FOUR**

RICHARD SIMMONS,	)	No. ED99614
	)	
Movant/Appellant,	)	Appeal from the Circuit Court
	)	of St. Louis County
vs.	)	
	)	
STATE OF MISSOURI,	)	Honorable Ellen Levy Siwak
	)	
Respondent.	)	Filed: June 3, 2014

Richard Simmons (Movant) appeals from the judgment of the motion court denying his Rule 24.035 motion for post-conviction relief after an evidentiary hearing. He contends that the motion court clearly erred in denying his claim that plea counsel was ineffective for failing to advise him that he would have to serve eighty-five percent of his sentence before becoming eligible for parole.

AFFIRMED.

Division IV Holds:

The motion court did not clearly err in finding that plea counsel was not ineffective for failing to advise Movant that he would have to serve eighty-five percent of his sentence before becoming eligible for parole because parole eligibility is a collateral matter that does not affect the voluntariness of a guilty plea and counsel had no obligation to inform Movant about the parole consequences of his plea.

Opinion by: Philip M. Hess, J.  
Lisa S. Van Amburg, P. J. and Patricia L. Cohen, J. concur.

Attorney for Appellants: Jessica Hathaway

Attorney for Respondent: Shaun J. Mackelprang

<p style="text-align:center"><b>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</b></p>
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